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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NOS. 19-CR-421-CRB & 23-MJ-70921
)	
Plaintiff,)	DETENTION ORDER
)	
v.)	
)	
DOMINIC BATISTE,)	
)	
Defendant.)	

On May 4, 2023, U.S. District Judge Charles R. Breyer signed a Petition for Warrant for Person Under Supervision, alleging that defendant Dominic Batiste had committed four violations of his conditions of supervised release. On June 22, 2023, Batiste was also charged by criminal complaint with being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

This Court held detention hearings in these two companion cases on June 30 and July 5, 2023. The defendant was present and represented by Candis Mitchell. Assistant United States Attorneys Christian Highsmith and Cynthia Frey appeared for the government. The government moved for detention and filed a memorandum in support, and the defendant opposed. At the hearings, counsel submitted proffers and arguments regarding detention.

1 Upon consideration of the facts, proffers and arguments presented, and for the reasons stated on
 2 the record, the Court finds by clear and convincing evidence that no condition or combination of
 3 conditions will reasonably assure the safety of any other person or the community. The Court also finds
 4 that the defendant has not met his burden under Federal Rules of Criminal Procedure Rule 32.1(a)(6) of
 5 establishing by clear and convincing evidence that he will not flee or pose a danger to any other person
 6 or to the community. Accordingly, the defendant must be detained pending trial and adjudication of
 7 these matters.

8 The present order supplements the Court's findings and order at the detention hearing and serves
 9 as written findings of fact and a statement of reasons as required by Title 18, United States Code,
 10 Section 3142(i)(1). As noted on the record, the Court makes the following finding as the basis for its
 11 conclusion: the defendant's possession of a loaded firearm while chasing and crashing into an occupied
 12 vehicle, all while on supervised release, demonstrates that he is an unmitigable danger to the public.
 13 This finding is made without prejudice to the defendant's right to seek review of defendant's detention,
 14 or file a motion for reconsideration if circumstances warrant it.

15 Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

- 16 1. The defendant be, and hereby is, committed to the custody of the Attorney General for
 17 confinement in a corrections facility separate, to the extent practicable, from persons
 18 awaiting or serving sentences or being held in custody pending appeal;
- 19 2. The defendant is ordered to self-surrender to the U.S. Marshals Service at Santa Rita Jail
 20 (5325 Broder Blvd., Dublin, CA 94568), by 12:00 p.m. on Friday, July 7, 2023.
- 21 3. The defendant be afforded reasonable opportunity for private consultation with counsel;
 22 and

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- 1 4. On order of a court of the United States or on request of an attorney for the government,
2 the person in charge of the corrections facility in which the defendant is confined shall
3 deliver the defendant to an authorized United States Marshal for the purpose of any
4 appearance in connection with a court proceeding.

5
6 IT IS SO ORDERED.

7
8 DATED: July 6, 2023



HONORABLE SALLIE KIM
United States Magistrate Judge